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PROCLAMATION

JUN 23 1975

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 21, 1975

As provided under the provisions of Section 14, Article IV, Constitution of the State of Texas, I disapprove of S.B. 510, passed by the 64th Legislature, Regular Session, 1975, and hereby file such Bill with the Secretary of State, State of Texas, setting forth the following objections:

"The bill amends the Optional County Road Law of 1947 (Article 6716-1, Vernon's Texas Civil Statutes). Under that law as it currently exists, the qualified voters of any county may elect to have the construction and maintenance of county roads placed under a single county road department. The county road department is headed by the county road engineer, subject to the policy direction of the county commissioners court. I am advised that approximately 20 counties have adopted this system, the most populous of which are Bexar, Tarrant, and El Paso.

As the bill was introduced and as it passed the Senate, all it did was to remove the county road engineer's \$20,000 salary limitation. This limitation was superseded in 1971 with the enactment of Article 3912k, Vernon's Texas Civil Statutes, which authorizes the commissioners court to fix the salaries of all county officers and employees, with certain exceptions not pertinent here. Therefore, the salary section of the bill is completely unnecessary.

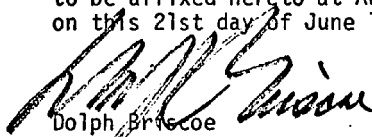
The House added provisions to the bill that give the county judge, rather than the commissioners court, the power of appointment and removal of the county road engineer. I have received no complaints about the law as it presently operates, and in my view it makes more sense to have the county road engineer appointed by and responsible to the commissioners court, which has the responsibility for planning and funding the county road system, than to have him appointed by and responsible only to the county judge, who is only one member of the commissioners court. To vest this power in the county judge alone is inconsistent with Article V, Section 18

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of the Constitution, which grants to the commissioners court "jurisdiction over all county business, as is conferred by this Constitution and the laws of the State." The Constitution clearly opposes the concentration of power over county business under one county official. Finally, it must be remembered that the people of these counties have voted to adopt the optional road law in its current form, and I am not prepared to assume that they would have so chosen if the law had been as drastically different as this bill would make it.

S.B. 510 was received in the Governor's Office less than ten (10) days prior to the adjournment of the regular session of the Sixty-fourth Legislature, and in accordance with the Constitution of the State of Texas, this Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, on this 21st day of June 1975.



Dolph Briscoe
Governor of Texas